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SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1951

No. 310

E. M. WATSON,

Petitioner,

vs.

L. G. SUDDOTH

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF ARKANSAS

FREEMAN L. MARTIN,
Counsel for Petitioner.

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SUPREME COURT OF THE UNITED STATES

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No. 310

E. M. WATSON

vs.

L. G. SUDDOTH

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF ARKANSAS, AND BRIEF IN SUPPORT THEREOF.

To the Honorable Chief Justice of the United States, and to the Associate Justices of the Supreme Court of the United States:

Comes now E. M. Watson a citizen of the United States and State of Missouri, and respectfully petitions this Honorable Court to grant a writ of certiorari to review the opinion and judgment of the Supreme Court of Arkansas, rendered and entered on the 21st day of May, 1951, rehearing denied the 11th day of June, 1951, lately pending in said Supreme Court, in this case entitled E. M. Watson, appellant (petitioner), and L. G. Suddoth, respondent (defendant), No. 9513, on the docket of said

Supreme Court of Arkansas, affirming a judgment of the Chancery Court of Phillips County, presided over by Hon. A. L. Hutchins, Chancellor of the Chancery Court of Phillips County in favor of respondent, and against appellant.

Opinion of the Court

In the Supreme Court of Arkansas, May 21, 1951

Watson v. Suddoth

HOLT, *J.:*

This suit involves title to a 150 acre tract of farm land in Phillips County, Arkansas.

This is the fourth appearance of this case here, *Watson* v. *Dulaney,* 202 Ark. 1197, 149 SW (2d) 563; *Watson* v. *Suddoth,* 208 Ark. 205, 185 SW (2d) 932; *Watson* v. *Suddoth,* 209 Ark. 940, 193 SW (2d) 326, opinion March 18, 1946.

It also appears that appellant had at one time, after removing to Missouri, invoked the aid of the Federal Courts in an effort to establish title to, and right of possession of, this 150 acre tract. *Watson* v. *Suddoth, et al.,* 177 Fed. 2d 371.

In each of the above cases, appellant was unsuccessful.

In the present suit, appellant again claimed title to the land, right of ownership, prayed that title be quieted in him.

Appellee filed motion to dismiss on two grounds, (1) that appellant was not in possession but that appellee had been in possession, cultivating the land for a number of years, and that appellant's remedy was at law and not in a court of equity, (2) that "all issues of law and fact arising herein have been duly adjudicated and determined by this Court, the Supreme Court of the State of Arkansas and the Federal Court, including the United States Supreme Court,

and therefore movant pleads res adjudicata as a complete bar to this proceeding.

While both of appellee's contentions, above, might well be sustained, in an effort to put an end to this litigation, we place our decision on his second contention and hold that his plea of res adjudicata must be sustained.

The decree contains this recita: "all of the issues of law and fact arising herein have been duly adjudicated by this Court in the several proceedings heretofore filed herein; * * * appeals have been taken to the Supreme Court of Arkansas and affirmed; * * * In addition thereto the issues of law and fact arising herein have been duly adjudicated adversely to the plaintiff in a proceeding instituted by the Plaintiff against the Intervenor, L. G. Suddoth, in the District Court of the United States, Eastern Division of Arkansas, * * * which judgment of the District Court was affirmed by the Eighth Circuit Court of Appeals and Writ of Certiorari was granted and then dismissed by the Supreme Court of the United States; * * * The plea of res adjudicata should be sustained."

Appellant testified that he was not in possession of the land. He claimed title by deeds of conveyance from the heirs of Terrell and Grundy Walker. It appears that we decided this identical contention in 208 Ark. 205, 185 SW (2d) 932, above. We there said: "The documentary evidence which is brought forward in the transcript tends to show that the heirs of Grundy and Terrell Walker had no title or interest to convey to appellant for the reason that their ancestors had, years before, conveyed their interest in the lands to appellee's predecessors in title.

We said in *Missouri Pacific Railroad Company, Thompson, Trustee,* v. *McGuire,* 205 Ark. 658, 169 SW (2d) 872; "Briefly stated, the doctrine of res adjudicata is that an existing final judgment rendered upon the merits, without

fraud or collusion, by a court of competent jurisdiction, is conclusive of rights, questions, and facts in issue, as to the parties and their privies, in all other actions in the same or any other judicial tribunal of concurrent jurisdiction".

It appearing that the issues presented here have already been litigated by the same parties and determined against appellant, we hold that the record fully supports the above findings of the Chancellor.

Affirmed.

Said opinion is reported in the SW (2d) .

Summary Statement of the Matter Involved

This case involves title to real estate situated in Phillips County, State of Arkansas. The abstract of Title was prepared by the Phillips County Abstract and Loan Co., Inc., Helena, Arkansas, to the following described real estate:

S½ SE¼ Section 28—2S—1E, Phillips County, Arkansas.

The first conveyance starts with a warranty deed executed and delivered by Sarah E. Cravens to Amos W. Daugherty, February 16, 1878, conveying an undivided one-half interest in the above described real estate, containing 80 acres, more or less; the next conveyance was a warranty deed by A. W. Daugherty to Grundy Walker and Terrell Walker, as tenants in common to the SE¼ Section 28—2S—1E, containing in the aggregate 150 acres; the next conveyance was a warranty deed by T. E. Walker, and Lizzie Walker, his wife, to A. Hirsch and Company, composed of Adolph Hirsch and Louis Kahn; the next conveyance was a Quit-Claim Deed by Louis Kahn and Nellie Kahn, his wife, to Adolph Hirsch to a part of

S½ SE¼ Section 28—2S—1E, containing 70 acres, more or less; the next conveyance was a deed by Adolph Hirsch to Emerson Watson to the said 70 acres above referred to; and this is where the present appellant begins in the chain of title; Emerson or E. M. Watson and his wife, Minnie Watson, executed various trust deeds on said property down through the years to January 27, 1922, when said parties executed a trust deed and notes to John C. Sheffield, Trustee, for E. D. Norton, containing a clause of equity of redemption waived in case of foreclosure in Chancery Court; on November 24, 1924, case No. 5266, J. S. Calfee vs. E. M. Watson, was a foreclosure proceeding in a court of equity in which said lands were ordered sold by a commissioner appointed by the court, and the sale was confirmed as prescribed by law; in July 1935, a new suit in equity was filed by J. S. Calfee against E. M. Watson and his wife to confirm said sale; the appellant herein then filed a counterclaim; both parties appeared in person and by counsel; appellant's counterclaim was dismissed and the sale was again confirmed by the court by requiring J. S. Calfee to pay the full amount of the indebtedness and cost of court in the sum $1591.47. After these foreclosure proceedings, appellant then secured and obtained Quit-Claim Deeds from Mrs. Getty H. Cronauer (formerly Mrs. A. Hirsch), Edmond Hirsch, a son, and Irene Hirsch, his wife, under the Will of A. Hirsch; and Mrs. Ida Hanft (a widow). And then on March 16, 1937, appellant and his wife, Minnie, executed a Quit-Claim Deed to Willie E. Wade, a single person, conveying the same lands conveyed by deed to appellant by Hirsch & Company; then Willie E. Wade by warranty deed reconveyed the same lands to appellant; and then appellant and his wife by a quit-claim deed conveyed said lands to R. A. Brown and E. W. Higginbottom; then R. A. Brown and August Brown, his wife,

and E. W. Higginbottom and Janette Higginbottom, his wife, conveyed the same lands to E. M. Watson, appellant herein.

On June 9, 1950, in the case of In the Matter of, E. M. Watson, filed a Petition to Quiet Title, vs. 11773, in the Chancery Court of Phillips County, involving the following real estate:

> The North Half (N½) of the Southeast Quarter (SE¼) and the South Half (S½) of the Southeast Quarter (SE¼), less ten (10) acres on the East thereof, Section 28, Township 2 South, Range 1 East, situated in Phillips County, Arkansas, which is now, and has been for the times hereinafter mentioned, an undivided parcel of land in said County and State.

2

The plaintiff (appellant) further respectfully states for his cause of action that for more than forty (40) years prior to 1941 he lived on, tilled, cultivated and occupied all of the lands described hereinbefore; that his occupancy was open, notorious, continuous, uninterrupted and adverse to the claims of defendants and all others; and that said occupancy under the laws of the State of Arkansas ripened title in fee simple in this plaintiff.

3

The plaintiff (appellant) further respectfully states that on February 7, 1887, title to the lands described above was vested in two brothers, Grundy and Terrell Walker as tenants in common; that said brothers, Grundy and Terrell Walker, never legally conveyed such land or partitioned or divided such land or partitioned or divided said lands between themselves; and that the legal title of said brothers to said land descended to and vested in the heirs at law of said brothers, from whom plaintiff (appellant), by

proper, valid deeds of conveyances, has acquired said legal title.

4

WHEREFORE, plaintiff prays this Honorable court to quiet title to the above described tract of land in plaintiff and for such other and further relief as to the court may seem meet and proper.

That thereafter, and on November 13, 1950, L. G. Suddoth by his counsel moved the Court to dismiss plaintiff (appellant's) petition for the reasons, following, to-wit:

1

This is a proceeding to quiet title. As a prerequisite to the filing of a petition to quiet title, the Petitioner must allege that he is in possession of the lands in controversy at the time of the filing of the petition to quiet title. The Petitioner is not in possession of said lands and has not been in possession for a number of years. The movant, L. G. Suddoth, is in the actual possession of said lands and has been in possession thereof since he acquired title thereto from J. S. Calfee and the Bank of Marvell, Marvell, Arkansas.

2

Movant further states that the petition to quiet title should be dismissed for the reason that all of the issues of law, as well as fact, have been duly adjudicated and determined by this Court in a number of proceedings therein, including a former proceeding instituted by the petitioner against L. G. Suddoth to quiet title, which latter proceeding was dismissed upon final hearing; that one or more appeals were taken by the petitioner, E. M. Watson, to the Supreme Court of Arkansas and that on each appeal the judgment of the lower court was affirmed.

That a similar proceeding was instituted by the petitioner to quiet title in the United States District Court,

for the Eastern Division of the Eastern District of Arkansas, and upon trial of said cause all issues of law and fact arising thereto were adjudicated and determined adversely to the petitioner; that an appeal was prosecuted by the petitioner, E. M. Watson, to the Circuit Court of Appeals, and the Circuit Court of Appeals affirmed the judgment of the lower court; that an appeal was attempted to be taken to the Supreme Court of the United States and the appeal was denied.

3

Movant further states that all issues of law and fact arising herein have been duly adjudicated and determined by this Court, the Supreme Court of the State of Arkansas and the Federal Courts, including the United States Supreme Court, and therefore movant pleads res adjudicata as a complete bar to this proceeding.

WHEREFORE, movant moves the Court to dismiss the petition herein filed and that he have and recover all of his costs herein expended and for all other legal, equitable and proper relief.

The only testimony before the court was a statement written on one legal sized sheet of paper, signed by E. M. Watson and notarized and a copy of a letter dated January 2, 1951, to Messrs. Burke, Moore, and Burke, by E. M. Watson, consisting of two sheets of letter sized paper. E. M. Watson further testified by a question by the Court that his affidavit was to show the cause of his action. Again the Court asked if he was living on the property at this time? No, I have a statement from Mr. Burke advising he was going to ask that it be dismissed. And the ruling of the Court was that the cause of the plaintiff be dismissed, to which the petitioner excepts and prays an appeal to the Supreme Court, which is hereby granted.

Before the ruling of the Court, the petitioner filed an affidavit by him as his Exhibit "A", which was admitted in evidence by the Court; which affidavit is as follows:

STATE OF ARKANSAS,
County of Phillips.

In the Chancery Court of the County of Phillips, State of Arkansas

This is brought to show my cause of action before the court to quiet title in me. The record shows that A. W. Daugherty and wife deeded to Grundy Walker and Terrell Walker, brothers, the Southeast Quarter of Section 28, Two South One East, containing in the aggregate 150 acres of land, and being situated in the County of Phillips and State of Arkansas. The records further show that T. E. Walker and wife deeded, October 14, 1893, to A. Hirsch and L. Kahn and Company 70 acres. This goes to show that Terrell Walker and wife deeded part of the South East Quarter in Section 28, Two South One East, containing 70 acres in Phillips County; and the record shows that he deeded to A. Hirsch and L. Kahn 70 acres and the record shows that he deeded to Grundy Walker 80 acres; this would include 150 acres that Terrell deeded away and that Grundy did not sign in either deed. Grundy deeded to W. G. Burdge 80 acres and Terrell did not sign that with him. I have lived on the land for 40 years by possession and 38 years by record. The conditions of the record show that the land had never been divided correctly. I hold a deed from all the heirs, signed October 2, 1942 to the following described South East Quarter of Section 28 Two South Range One East, now containing in the aggregate 150 acres of land being situated in the County of Phillips and State of Arkansas. Now upon these statements I respectfully submit the case to the Court for consideration.

I ask for possession and rent due me from the date of October 2, 1942.

Signed, E. M. WATSON,
Brinkley, Arkansas.

EXHIBIT "A" to testimony of E. M. Watson given in Helena, Ark., before Chancellor A. L. Hutchins, Jan. 11, 1951, in behalf of Plaintiff. (Rec. p. 7.)

EXHIBIT "B"

January 2, 1951.

Messrs. Burke, Moore & Burke,

Dear Sirs:

I received a notice from you stating that you were going to ask the court to dismiss my petition for a title to the land for which I claim a title.

Sirs I wish to state in reply that the records show that Mr. J. S. Calfee never did have legal title to the land. Every decree that was made to him was illegal according to the record.

The law of Arkansas states that the foreclosure of any deed given by a Company is illegal unless that deed has been signed by all members of that Company previous to the foreclosure.

The record shows that I bought the land from A. Hirsch and Company and only A. Hirsch signed the deed, not even his wife.

The record shows that I paid A. Hirsch & Company when the mortgage only covered the title that Mr. A. Hirsch made me.

The record shows I paid the company five hundred ($500.00) and eighty (80) dollars in 1903, then I gave A. Hirsch and Company a mortgage for the balance which was five hundred ($500.00) and eighty (80) dollars. Mr. A. Hirsch transferred the notes to Mr. J. L. Turner. Mr. J. L. Turner satisfied the record February 17, 1909. At that time I had a title signed by A. Hirsch only.

When the decree was made in 1935 that gave Mr. Calfee a title to the 70 acres, I began to investigate the matter and found that I had never had a proper deed from the Company which was signed by A. Hirsch and his wife and Mrs. Ida Hamp and Edmond Hirsch and his wife.

Then I sold the land to John Delanie and because he failed to pay me my trustee Mr. S. B. Mixon advertised the land thirty days (30). Then auctioned the land off to the highest bidder. I made the highest bid and Mr. Mixon made me a deed to the land Oct. 17, 1941.

Mr. L. G. Suddoth bought the land December 11, 1941, I had a trustee deed on record at that same time and it had not been adjudicated. I was in possession of the land at that time. Mr. Suddoth got a writ of possession from the court and moved me away and Mr. Suddoth took possession. I then obtained a deed from the heirs Oct. 2, 1942. I have never mortgaged or given a deed to it since. The land has not been in peaceful possession since. It has been in litigation ever since.

Now to the Honorable members of this Court you can plainly see that the land has never been properly deeded.

I respectfully submit this petition to this Honorable Court's consideration.

Respectfully yours,

E. M. WATSON.

Exhibit "B" to testimony of E. M. Watson given before Chancellor A. L. Hutchins, 1-11-51, in Helena, Ark., in his own behalf. (Rec. pp. 8, 9.)

The plaintiff, petitioner here, filed his verified petition and at the hearing of same, gave oral testimony and testimony as shown by two (2) Exhibits to his testimony; the defendant, respondent here failed and neglected to offer one word of testimony; if the evidence of petitioner was correct, to which there is no denial, the motion to dismiss was not proper; wholly unsupported by any evidence to the contrary; the court acted in excess of his jurisdiction to pass on said motion. The Court's Decree gave life and foundation to a title to land unsupported by documentary

evidence in the chain of title; the petitioner had invoked the exercise of the powers of the Court of Equity for relief from said usurpation of authority and claim of ownership by L. G. Suddoth. The record clearly shows that E. M. Watson's title was superior to L. G. Suddoth. The Court of Chancery in entering its Decree herein denied the petitioner the equal protection of the laws as guaranteed by the 14th Amendment to the Constitution of the United States; and deprived him of his legal rights without due process of laws afforded him by said Amendment. And the judgment of the Supreme Court of Arkansas rendered on May 21, 1951 (Rec. pp. 12, 13), violated petitioner's rights under the federal laws and constitution of the United States.

Jurisdiction of This Court

The jurisdiction of this Court is based upon Section 237 (b) of the Judicial Code, 36 Stat. 1156, as amended by Act of Feb. 13, 1925, ch. 229, Sec. 1, 43 Stat. 937, Title 28, U. S. C. A., Sec. 344 (b), providing for review by this Court, by certiorari, of final judgments in the highest court of a state in which a decision could be had, where any title, rights, privileges or immunity is specially set up or claimed under the Constitution, or any treaty or statute, of the United States. The judgment of the Supreme Court of Arkansas, here sought to be reviewed was entered on May 21, 1951 (Rec. p. 12). Motion or petition for rehearing were duly filed by petitioner, appellant, in said Supreme Court, on May 26, 1951, within the time provided by the rules of said Supreme Court (R. 14) and said Motion or petition was overruled or denied by the said Supreme Court of Arkansas on June 11, 1951, on which date said judgment became final.

The following cases are thought to sustain the jurisdiction of this Court:

Brooklyn Savings Bank v. *O'Neil,* 324 U. S. 697;
Seabury Rec. v. *Green Admin.,* 294 U.S. 165;
Great Northern Ry. Co. v. *Sunburst Oil & Refining Co.,* 287 U. S. 358;
Longest v. *Langford, et al.,* 274 U. S. 499.

Question Presented

(a) Whether the statute of Arkansas which provides that where land is owned by a company, it can only be legally conveyed by all of the members signing the deed. (b) And whether such a title may take precedence over a title in which all of the heirs and members thereof sign a deed of conveyance to a different party or to plaintiff, appellant? The record shows that appellant's title predated the title held by L. G. Suddoth. The Decree of the Supreme Court of Arkansas sustained or affirmed the judgment that all issues of law and fact had been judicially determined; all of the records and issues of fact pertaining to the chain of title of said parties were not before the courts in any of the cases mentioned by the Supreme Court of Arkansas; those issues of fact would not sustain the judgment and findings of the Chancery Court of Phillips County or the Supreme Court of Arkansas, only the contrary. The statutes of Arkansas were not followed in the provisions relative to all members of a company shall sign a deed before there can be a foreclosure of a mortgage thereon; and second, that no title can be sustained unless it is established by documentary records of the county where situated.

Prayer

Wherefore, petitioner prays that a writ of certiorari be issued by this Honorable Court, directed to the Supreme Court of Arkansas, to the end that said Opinion and Judgment of said Supreme Court of Arkansas, in said case of E. M. Watson, appellant; and L. G. Suddoth, respondent, No. 9513 in said Supreme Court of Arkansas, be reviewed by this Court as provided by law, and that, upon such review, said judgment of said Supreme Court of Arkansas be reversed, and petitioner have such other relief as this Court may deem appropriate.

Respectfully submitted,

E. M. WATSON,
Pro Se.,
4914 Lotus Avenue, St. Louis 13, Missouri;
FREEMAN L. MARTIN,
Counsel for Petitioner,
5245 Cates Avenue, St. Louis 8, Missouri.

Enrolled, May 19, 1919, No. 38 on List.

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Office-Supreme Court,
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CHARLES ELMORE

IN THE

Supreme Court of the United States

OCTOBER TERM, 1951.

No. 310.

E. M. WATSON, *Petitioner,*

v.

L. G. SUDDOTH, *Respondent.*

RESPONSE TO PETITION FOR WRIT OF CERTIORARI AND BRIEF IN SUPPORT THEREOF

J. G. BURKE
Solomon Building
Helena, Arkansas
Attorney for Respondent.

PRESS OF BYRON S. ADAMS, WASHINGTON, D. C.

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1951.

No. 310.

E. M. WATSON, *Petitioner,*

v.

L. G. SUDDOTH, *Respondent.*

RESPONSE

To the Honorable Chief Justice and Associate Justices of the Supreme Court of the United States:

Comes the Respondent, L. G. Suddoth, and moves the Court to deny the Petition filed herein for Writ of Certiorari to review the decision of the Supreme Court of Arkansas in the above entitled cause, for the following reasons:

1. There are no Federal questions involved in this proceeding, nor has the Petitioner, E. M. Watson, been deprived of any of his rights under the Constitution of the United States.

2. This is a suit brought by the Petitioner against the Respondent to quiet title to certain lands located in

Phillips County, Arkansas; that under the laws of the State of Arkansas, a suit to quiet title cannot be maintained unless the plaintiff is in the actual possession of the lands in controversy; that the Complaint filed by the Petitioner and the record in this case unequivocally discloses that the plaintiff below, Petitioner here, was not in possession of the lands in controversy and had not been in possession thereof since the lands were foreclosed by Decree of the Chancery Court of Phillips County, Arkansas, many years previous to the filing of this suit. This is a well established rule of property and procedure in the State of Arkansas and such rule does not violate any provision of the Federal Constitution.

3. The Petition and the record disclose that all of the issues of law and fact raised in this proceeding have been duly adjudicated and determined by the Supreme Court of Arkansas in three previous suits instituted by the Petitioner, E. M. Watson, concerning the lands in controversy; that the same issues of law and fact have been duly adjudicated and determined by the District Court of the United States for the Eastern Division of the Eastern District of Arkansas, and the Decree of the District Court was affirmed by the Eighth Circuit Court of Appeals, and Petition for Writ of Certiorari to this Court was denied on April 10, 1950. Therefore, the doctrine of res judicata was appropriately applied in the case at bar, and the application of said rule of res judicata did not violate any provision of the Federal Constitution.

WHEREFORE, Respondent prays that the Petition for Writ of Certiorari filed herein be denied.

J. G. BURKE
Solomon Building
Helena, Arkansas
Attorney for Respondent.

BRIEF

I.

No Federal Question Involved

The transcript of the record in this case clearly discloses that there is no Federal question presented by the Petition, and in the absence thereof, this Court is without jurisdiction to review the decision of the Supreme Court of the State of Arkansas. The decision of the Supreme Court of Arkansas is not in conflict with any previous decisions of this Court, and, therefore, the Petitioner has no right to petition this Court for Writ of Certiorari. The law is so well settled on this question that we do not deem it necessary to cite authorities in support of this contention.

II.

Suit to Quiet Title, Plaintiff Must Be in Possession of Lands

The Statutes of the State of Arkansas, as well as many decisions of the Supreme Court, provide and require that before the plaintiff can maintain a suit to quiet title, he must allege and prove that he is in possession of the lands in controversy. The record reflects and plaintiff below, Petitioner here, admits that he is not in possession nor has he been in possession of the lands in dispute for more than ten years. The reason for this rule of property and procedure is well grounded upon the principle that one out of possession has an adequate remedy at law, and must bring a suit in ejectment. This rule has been invoked in Arkansas for more than half a century. In *Gibbs* v. *Bates*, 150 Ark. 344, 234 S.W. 175, the Court said:

> "Equity jurisdiction to quiet title, independent of statutes can only be invoked by a plaintiff in possession holding the legal title. The reason is where the title is a purely legal one, and some one else is in possession, the remedy at law is plain, adequate and

complete, and an action of ejectment cannot be maintained under the guise of a bill in chancery. In such a case the party in possession has a constitutional right to a trial by jury".

III.

Res Judicata

The record here discloses that the issues of law and fact undertaken to be raised in this proceeding have been and were duly adjudicated in three previous suits wherein the Petitioner was plaintiff.

Watson v. *Dulaney,* 202 Ark. 1197, 149 S.W. 563.
Watson v. *Suddoth,* 208 Ark. 205, 185 S.W. 2d 932.
Watson v. *Suddoth,* 209 Ark. 940, 193 S.W. 2d 326.

The record also reflects that the plaintiff, E. M. Watson, after being unsuccessful in the State Courts, established his residence in the State of Missouri and instituted a suit in the United States District Court for the Eastern Division of the Eastern District of Arkansas, and the Trial Judge, after due consideration, dismissed Petitioner's Complaint and, thereupon, Petitioner appealed to the Circuit Court of Appeals. The Circuit Court of Appeals on November 9, 1949, affirmed the decision of the District Court.

Watson v. *Suddoth,* 177 Fed. 2d 371.

Petition for Writ of Certiorari to this Court was denied on April 10, 1950.

Watson v. *Suddoth,* 339 U.S. 935.

In the instant case, the Supreme Court of Arkansas appropriately applied the doctrine of res judicata, *Watson* v. *Suddoth,* 239 S. W. 2d 602, and in so doing the plaintiff below, Petitioner here, was not deprived of any of his rights, privileges and immunities under the Federal Constitution. This Court has many times and in many

decisions upheld the decisions of the State Court in applying the doctrine of res judicata.

The Petition for Writ of Certiorari should be denied.

Respectfully submitted,

J. G. Burke
Solomon Building
Helena, Arkansas
Attorney for Respondent.

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DEC 7 19
CHARLES ELMORE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1951

Case No. 310

E. M. WATSON

Petitioner

vs.

L. G. SUDDOTH

Respondent

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1951

Case No. 310

E. M. WATSON

Petitioner

vs.

L. G. SUDDOTH

Respondent

To the Honorable Chief Justice and Associate Justices of the Supreme Court of the United States:

I received a notice that my petition for Writ of Certiorari has been denied, so I am petitioning for a rehearing on the grounds as follows;

1. I filed motion to quiet Title in me, The Record is my only evidence which shows that the land has not been legally divided. The Record shows that this land was deeded to two brothers, Grundy Walker and Terrell Walker I have a deed which I now hold signed by all of the Walker heirs. Acccording to the laws of the State of Arkansas does not this give me a legal title to the land?

2. The Record shows that five (5) leading white men who own land in that neighborhood, testifled in open Court upon oath on the 11th day of October, 1948, that I had lived on the land seven (7) years and longer known to be my home without being disturbed by anyone in anyway. The Record also shows that L. G. Suddoth has not been in peaceful possession one day since he

obtained an illegal Writ of Possession and moved me off my land. That is why I am not in possession now.

The Record also shows that Terrell Walker deeded away seventy (70) acres and his brother, Grundy Walker did not sign the deed with him.

Now I pray the Honorable Chief Justice and Associate Justices of the Supreme Court of the United States to cancel all Decrees on the seventy (70) acres to which L. G. Suddoth holds his claim.

3. I did not employ lawyer Freeman L. Martin as my attorney. I only hired him to prepare my papers. In so doing he errored as follows:

   (1) Is he failed to put in the petition that facts that was in the record the 7 years or more of peaceful possession testifled by 5 men who own farms near my farm.

   (2) He errored when he stated in my petition that E. D. Narton notes was foreclosed and J. S. Calfee bought them which is not in the record. I don't know his reason for making these errors unless it was to mislead the Court.

So please send all correspondence direcctly to me

E. M. WATSON,

4914 Lotus Ave. St. Louis 13, Mo.

I hereby present a Certificate in support by Counsel to the effect that it is presented in good faith and not to delay.

---

1. I have no evidence but the record. The record shows that on the ninth day of June 1950, I filed motion to quiet Title in Me, on the land as follows:

   The North half (N½) of south east quarter (SE¼) and the south half (S½) of south east quarter (SE¼) less ten (10) acres on the east end thereof Section twenty-eight (28) township two (2) South range one (1) east.

   The record also shows that notice of confirmation filed January 31, 1951 and order of dismissal January 11, 1951.

2. The record shows that I bought seventy (70) acres of land from A. Hirsch and Company which land was deeded to A. Hirsch and Company by Terrell Walker and his brother Grundy Walker did not sign the deed with him, therefore Grundy's title remained in the 70 acres until Grundy's heirs sold it to me, I did not have a title before I bought the title from Grundy Walker's and Terrell Walker's heirs October 2, 1942.

3. The record shows that I have never deeded or mortgaged the title away since I bought it from the heirs. Sirs, you can plainly see that Grundy's interest has never been included in any of the decrees that was made against the 70 acres.

I now pray the honorable Chief Justice and Associate Justices of the Supreme Court of the United States to please consider the record.

Thanking you for your consideration, I am,

Respectfully yours,

E. M. Watson